

PTO/SB/21 (08-03)

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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/797,439 | |
| | Filing Date | March 9, 2004 | |
| | First Named Inventor | Gary WELLER | |
| | Art Unit | Not Yet Assigned | |
| | Examiner Name | Not Yet Assigned | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 514362001400 |

ENCLOSURES (Check all that apply)

| | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO-1449 (1 page) 2. Return Receipt Postcard |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | MORRISON & FOERSTER LLP (Customer No. 25226) E. Thomas Wheelock - 28,825 |
| Signature | <i>E. Thomas Wheelock</i> |
| Date | April 22, 2004 |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 23, 2004

Signature: *Darci Sakamoto* (Darci Sakamoto)



PATENT
Docket No. 514362001400

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Darci Sakamoto

Darci Sakamoto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary WELLER et al.

Serial No.: 10/797,439

Filing Date: March 9, 2004

For: DEVICES AND METHODS FOR
PLACEMENT OF PARTITIONS
WITHIN A HOLLOW BODY ORGAN

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 514362001400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 20, 2004

Respectfully submitted,

By: 

E. Thomas Wheelock
Registration No. 28,825

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5739
Facsimile: (650) 494-0792

Form PTO-1449

Docket Number 514362001400

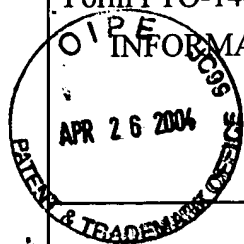
Application Number 10/797,439

Applicant

Gary WELLER et al.

Filing Date March 9, 2004

Group Art Unit Not Yet Assigned

Mailing Date April 23, 2004INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|------------|--------------|--------------------|-------|----------|----------------------------|
| | 1. | 01/08/2004 | 2004/0006351 | Gannoe et al. | | | |
| | 2. | 04/16/2003 | 10/417,790 | Gannoe et al. | | | |
| | 3. | 10/14/2003 | 10/686,326 | Weller et al. | | | |
| | 4. | 09/09/1986 | 4,610,383 | Rothfuss et al. | | | |
| | 5. | 04/04/1995 | 5,403,326 | Harrison et al. | | | |
| | 6. | 11/05/1996 | 5,571,116 | Bolanos et al. | | | |
| | 7. | 10/14/1997 | 5,676,674 | Bolanos et al. | | | |
| | 8. | 08/04/1998 | 5,788,715 | Watson, Jr. et al. | | | |
| | 9. | 04/27/1999 | 5,897,562 | Bolanos et al. | | | |
| | 10. | 09/07/1999 | 5,947,983 | Solar et al. | | | |
| | 11. | 12/17/2002 | 6,494,888 | Laufer et al. | | | |
| | 12. | 01/14/2003 | 6,506,196 | Laufer | | | |
| | 13. | 05/06/2003 | 6,558,400 | Deem et al. | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|------|--------------|---------|-------|----------|--------------------|
| | | | | | | | |

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title |
|-------------------|----------|-------|
| | | |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

PTO/SB/08 (2-92)

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